

Washington State Department of Transportation
15700 Dayton Avenue North
Seattle, WA 98133

December 23, 2004

Request For Proposals
Everett HOV Design-Build

ATTENTION: All Short-listed Proposers

Response To Questions No. 1

1. **Question:** Is it possible to receive the maximum number of points under Roadway without submitting an ATC?
Response: Yes. It is possible to receive the maximum number of points in any category without submitting an ATC.
2. **Question:** One of our team members has read that there is a Federal mandate requiring Superpave mixes for all new highway projects. Will this project be subject to any such Federal requirements?
Response: All permanent asphalt pavement on this project is required to meet the requirements of Standard Specification 5-04, which is superpave. This requirement will be reinforced by a forthcoming addendum. The addendum will also mandate the use of PG 64-22 for all permanent HMA pavement. The design-build phase of this project is funded with State funds only.
3. **Question:** What are the notification requirements if we wish to perform some surveying or drilling or other pre-proposal work on the project?
Response: Contact Mel Reitz, WSDOT Maintenance, 425-339-1780, to obtain a permit.
4. **Question:** The ITP (Section 3.5.13) states that a Life-cycle cost analysis is required in the proposal as part of the pavement design. We obtained a copy of the AASHTO software used by WSDOT to perform a LCCA. It is going to require considerable effort to perform this analysis. The WSDOT Pavement Guide (one of the mandatory standards for pavement design in the RFP) indicates that the LCCA is a tool to assist in the pavement type selection (HMA or PCCP). The LCCA would typically be performed for a cost comparison between HMA and PCCP, but the RFP is very prescriptive in the pavement design. The technical specifications section indicates that we must match the existing type (PCC or HMA) pavement for the widening. It also provides a minimum thickness of the pavement structure and the design ESALs. We have some flexibility in the layer thicknesses within the structure but the LCCA does not appear to be appropriate for a comparison of variables within a pavement type. It is our understanding of the RFP that the results of the LCCA will have no bearing on the pavement design and is therefore not necessary for this project. Can you obtain clarification from WSDOT on this matter? Specifically...can

we amend section 3.5.13 of the ITP to eliminate the requirement for a LCCA. If WSDOT will not remove this requirement, do they want us to perform a LCCA comparison for variations of thickness within the wearing and base courses or do they want a comparison between PCC and HMA pavement despite the requirements in the technical specifications?

Response: This question is being researched and will be answered at a later date.

5. **Question:** On page 88 of the technical specs. Section 2.12.4.2. The second indented paragraph says the structural design manager must report to the DB project manager. Shouldn't that be the Design Manager?

Response: Yes - the Structural design manager should report to the design manager. Will be addressed by addendum.

6. **Question:** What is the design criteria for the pedestrian bridge/aqueduct over the railroad, such as sidewalk width, etc?

Response: The design criteria for the pedestrian bridge to Water Quality Site # 1 will be posted on the Project website on January 3, 2005 and will be added by future addendum.

7. **Question:** Are there any CADD files available for the bridge design work that has already been done by WSDOT?

Response: The CADD files for the bridge design work are available and will be posted on the project website on January 5, 2005.

8. **Question:** Technical Provision 2.16.1.3 requires the provision of high mast lighting in the Broadway Interchange area. There is currently no such illumination in this area. We have reviewed the EA and the Visual Assessment Technical appendix and find no reference or analysis of project lighting. This Technical provision appears to conflict with the NEPA/SEPA document for the project. Can WSDOT please delete Technical Provision 2.16.1.3 or provide clarification regarding specification conflict precedence: NEPA is listed as a Mandatory Standard. Which has precedence, NEPA or the Technical Provisions?

Response: The NEPA-EA evaluation for illumination impact was not found to be of such significance that an evaluation was required. If final design of the illumination system shows impact to adjacent residences then mitigation would have to be included by the Design-Builder.

9. **Question:** Are project refinements resulting from implementation of Technical Provisions considered "Proposed Changes" for which Design Builder is at risk as discussed in Technical Specification 2.8.4.1 (NEPA Re-evaluation)?

Response: This question cannot be answered without a specific case being cited.

10. **Question:** Please provide as-built documentation or original documents on all previous projects that have occurred in the area from 128th and Interstate 5 to the North end of the Slough Bridge. This is needed to ascertain locations for intercepting power and communication links.

Response: Please contact Mr. Jim Johnson, NWR As-Built Plans and Right of Way Office, at 206-440-4026, who will allow you to research the appropriate plans in the NWR Dayton Building.

11. **Question:** Provide information on any WSDOT communication systems that are currently in place within the project limits.

Response: The last project as-built showing the ITS and electrical system work performed will be posted on the Project website and available by January 3, 2005. Additional information for other projects (as-builts) within the Project limits are available in the Northwest Region As-Built Plans and Right of Way office (Dayton Bldg)

12. **Question:** How are the CCTV cameras currently in use powered and how is the communication link with the central system accomplished?

Response: The cameras on the I-5/SR-526 Interchange area (CCTV221 and CCTV 222) are linked to the central system by a fiber optic cable and powered through a service cabinet. See response to Question #11. The camera on Pacific (CCTV 1934) is powered by a service cabinet and connected to the central system via telephone. The camera on Pacific (CCTV 1955) is powered by a service cabinet and connected to the central system via telephone.

13. **Question:** Our environmental consultant has requested copies of the following permit packages that have been submitted for the project. Are they available?

- JARPA (Joint Aquatic Resources Permit Application)
- Shoreline Substantial Development permit information
- City of Everett Wetland and Stream Alteration Review

Response: A copy of the Project JARPA and City of Everett Permit applications are attached and will also be posted on the Project website by January 3rd, 2005.

Bob Dyer
Everett HOV Project Director



Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710

206-440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 30, 2004

Kate Stenberg
Corps of Engineers
P.O. Box 3755
Seattle, WA 98124


RE: I-5, SR 526 to Marine View Drive HOV Lanes
Pre Construction Notification

Dear Kate:

This is a Pre Construction Notification (PCN) for use of Section 404 Nationwide Permit #18 for this project. The project will construct HOV lanes, auxiliary lanes, and a new off-ramp to Broadway on mainline Interstate 5. Several stormwater treatment facilities will also be constructed through the corridor. Construction of one of these facilities, Water Quality Site 1, will involve placing fill in wetland and replacing a stormwater outfall to the Snohomish River. Several jurisdictional ditches will be impacted by widening of I-5.

For your convenience, responses to the MAP Team's Early Project Coordination Letter, along with project plans and data, are enclosed with this PCN. If you have any questions regarding the materials, please contact me at 206-440-4534.

Sincerely,


Daniel E. Hagglund
Environmental Coordinator

DEH:deh
enclosures

cc: Roland Benito, Project Engineer
Jason Smith, Multi-Agency Permitting Team
Penny Kelley, Ecology
Project File

RECEIVED
DEC 01 2004

File	Info
<input checked="" type="checkbox"/> Proj. Eng.	
<input checked="" type="checkbox"/> Asst. Proj. Eng.	
<input type="checkbox"/> Office Assistant	
<input checked="" type="checkbox"/> Design Team LDR #1	
<input type="checkbox"/> Design Team LDR #2	
<input type="checkbox"/> Design Team LDR #3	
<input type="checkbox"/> Design Team LDR #4	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	



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November 30, 2004

Mr. Jim Fraser
Department of Fish and Wildlife
Multi-Agency Permitting Team
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

RE: I-5, SR 526 to Marine View Drive HOV Lanes

Dear Jim:

Enclosed please find a JARPA and conceptual project plans for reconstruction of a stormwater outfall at the Snohomish River in the city of Everett. The outfall is part of a large project that will construct HOV lanes, auxiliary lanes, and a new off-ramp to Broadway on mainline Interstate 5. Several stormwater treatment facilities will also be constructed through the corridor. Construction of one of these facilities, Water Quality Site 1, will involve placing fill in wetlands and replacing a stormwater outfall at the Snohomish River. This is the only construction in the project limits that will occur within or near the OHWM or MHHW of any streams or rivers.

For your convenience, responses to the MAP Team's Early Project Coordination Letter, along with project plans and data, are enclosed. If you have any questions regarding the materials, please contact me at 206-440-4534.

Sincerely,

Daniel E. Hagglund
Environmental Coordinator

DEH:deh
enclosures

cc: Roland Benito, Project Engineer
Jason Smith, Multi-Agency Permitting Team
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Washington State
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November 30, 2004

Mr. Steve Ingalsbe
City of Everett
2930 Wetmore Ave.
Everett, WA 98201-4044

RE: I-5, SR 526 to Marine View Drive HOV Lanes

Dear Mr. Ingalsbe:

Enclosed please find the application materials for a Shoreline Substantial Development Permit, Floodplain Development Permit, Wetland/Stream Alteration, and Wetland Buffer Reduction. The project will construct HOV lanes, auxiliary lanes, and a new off-ramp to Broadway on mainline Interstate 5. Several stormwater treatment facilities will also be constructed through the corridor. One of these facilities, Water Quality Site 1, is located with the 100-year floodplain and Shoreline Zone of the Snohomish River and is the primary focus of the application. The Snohomish River is a Shoreline of Statewide Significance.

As previously noted, the I-5 Everett HOV Project is a Design-Build project. WSDOT does not anticipate developing final plans for the project, as this will be the responsibility of the selected Design-Builder. We are issuing a Request for Proposals (RFP) on December 1 to several firms who have recently been short-listed through a Request for Qualifications process. We anticipate selecting the Design-Builder no earlier than March 2005. If you would like more information on WSDOT's Design-Build process, please visit our website at: <http://www.wsdot.wa.gov/biz/InnvContract/desbuild.htm>.

We have incorporated comments from the Pre-Application meeting as follows:

Emergency Medical Team Access to Trail Network:

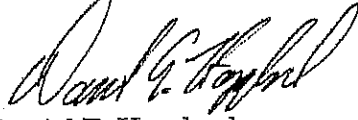
We propose to add a widened cul-de-sac area where the existing dirt road intersects the western boundary of the water quality treatment facility. Additional grading can be done to match into the current road surface or future improved alignment as needed. This will provide a central vehicle access on the west side of the facility in addition to the existing access on the east side from the city owned path.

Residential Access Along Main Street During Trenching Operations:

We have added text to the Request for Proposals directing the Design Builder to maintain access to all residences along Main Street during construction and to coordinate and pay for any city utilities that need to be relocated.

If you have any question regarding the materials, please contact me at 206-440-4534.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel E. Hagglund".

Daniel E. Hagglund
Environmental Coordinator

DEH:deh
enclosures

cc: Roland Benito, Project Engineer
Jason Smith, Multi-Agency Permitting Team
Project File



CITY OF EVERETT
PLANNING & COMMUNITY DEVELOPMENT
LAND USE PERMIT APPLICATION

- ☐ Boundary Line Adjustment
☐ Lot Certification
☐ Nonconforming Use/Building
☐ Planning Director's Review Process I Decision
☐ Planning Director's Review Process II Decision
☐ Rezone
☐ SEPA
☒ Shoreline
☐ Short Subdivision
☐ Special Property Use: Review Process II
☐ Special Property Use: Review Process III
☐ Subdivision
☐ Variance
☒ Other Wetland Alteration &
Wetland Buffer Reduction

FOR OFFICE USE ONLY

FILE # _____
FEE \$ _____ RECEIPT # _____

STAMP IN DATE _____

Applicant WASH. DEPT. OF TRANSPORTATION, BEN BROWN Phone 206-440-4528
Address P.O. Box 330310, Seattle WA 98133-9710 Fax 206-440-4805
Property Owner WASH. STATE DEPT. OF TRANSPORTATION Phone _____
Address SAME
Primary Contact (if other than applicant) DAH HAGGLUND Phone 206-440-4534
Address SAME Fax 206-440-4534
Property Address or Location No address. SW 1/4 SE 1/4 Sec. 32, T29N. R25E.
Tax Parcel Number portion of 29053200401600
Legal Description (attach if necessary) see attached
Zoning M-1 Comprehensive Plan Designation Office & Industrial Park
Area of Property (Acres/Square Feet) 12.5 acres
Project Description Construct highway stormwater treatment system and
reconstruct outfall at Snohomish River
Name of the planner who conducted the Pre-Application meeting (or signed waiver) Steve Ingabbe

I am the owner or am authorized by the owner to sign and submit this application. I grant permission for City staff and agents to enter onto the subject property for the sole purpose of making any inspection of the property which is necessary to process this application. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete, and correct.

Signature by Owner/Applicant/Agent [Signature] Date 11/30/04
City and State where this application is signed Seattle WA
City State

Narrative Statement for Wetland Buffer Width Reduction

WSDOT is requesting a reduction of the wetland buffer width for construction of Water Quality Site #1 associated with the I-5 Everett HOV Project. Water Quality Site #1 will be constructed adjacent to Wetlands A and B as identified in the project's Biology Wetland Report and Environmental Assessment.

1. Existing Conditions

The buffers surrounding these wetlands are dominated by upland grasses and invasive shrubs due to past land disturbances and compacted fill materials that create poor growing conditions. The buffer along the south and west edges of Wetland A is dominated by scattered clumps of black cottonwood saplings and Sitka willow, Himalayan blackberry, Scot's broom, upland grasses, reed canarygrass and weeds.

The buffer along the east edges of Wetland A and B consists of a narrow strip of vegetation along the levee dike that is dominated by red alder, black cottonwood, Himalayan blackberry, Scot's broom, upland grasses, and weeds. The buffer along the north edge of Wetland A consists of a narrow strip of vegetation along a gravel road that is dominated by red alder, Himalayan blackberry, Scot's broom, upland grasses, and weeds.

These buffers have low species diversity and structural complexity that inadequately protects the wetland from stormwater runoff, and does not provide valuable functions of a noise and visual barrier for wildlife.

2. Legal Alteration

This wetland is not known to have existed prior to approximately 20 years ago. The wetlands have gradually developed since removal of the buildings associated with the Simpson Mill. There have been no active land uses that have disturbed the buffer for these wetlands.

The proposal for construction of Water Quality Site #1 includes reducing the required buffers by 50 percent as allowed for location of stormwater facilities. This standard reduction allows a 37.5 foot buffer for wetland A and a 12.5 foot buffer for Wetland B. WSDOT requests an additional reduction of 25 percent buffer reduction for Wetland A in order to maximize the available area for stormwater treatment and inclusion of a public trail. This would result in a 29 foot buffer for Wetland A. The buffer for wetland B would remain at 12.5 feet. The outside slope of the stormwater facility berm and the trail would be located within these distances.

3. Buffer Enhancement

The buffers of both wetlands will be enhanced by planting a diverse mix of native woody species within the remaining buffer area as outlined in the I-5 Everett HOV Wetland Mitigation Plan.

AGENCY USE ONLY

Agency Reference #:

Date Received:

Circulated by:

(local govt. or agency)

JOINT AQUATIC RESOURCES PERMIT APPLICATION FORM (JARPA)

(for use in Washington State)

PLEASE TYPE OR PRINT IN BLACK INK



- ☐ Application for a Fish Habitat Enhancement Project per requirements of RCW 77.55.290. You must submit a copy of this completed JARPA application form and the (Fish Habitat Enhancement JARPA Addition) to your local Government Planning Department and Washington Department of Fish & Wildlife Area Habitat Biologist on the same day.
- NOTE: LOCAL GOVERNMENTS – You must submit any comments on these projects to WDFW within 15 working days.**

Based on the instructions provided, I am sending copies of this application to the following: (check all that apply)

- ☒ Local Government for shoreline: ☒ Substantial Development ☐ Conditional Use ☐ Variance ☐ Exemption ☐ Revision
☒ Floodplain Management ☒ Critical Areas Ordinance
- ☒ Washington Department of Fish and Wildlife for HPA (Submit 3 copies to WDFW Region)
- ☒ Washington Department of Ecology for 401 Water Quality Certification (to Regional Office-Federal Permit Unit) Letter of Verification
- ☐ Washington Department of Natural Resources for Aquatic Resources Use Authorization Notification
- ☒ Corps of Engineers for: ☒ Section 404 ☐ Section 10 permit Pre Construction Notice for NWP #18
- ☐ Coast Guard for General Bridge Act Permit
- ☒ For Department of Transportation projects only: This project will be designed to meet conditions of the most current Ecology/Department of Transportation Water Quality Implementing Agreement

SECTION A - Use for all permits covered by this application. Be sure to ALSO complete Section C (Signature Block) for all permit applications.

1. APPLICANT

Washington State Department of Transportation (WSDOT), Benjamin Brown

MAILING ADDRESS

P.O. Box 33031 Seattle, WA 98133-9710

WORK PHONE

(206) 440-4528

E-MAIL ADDRESS

brownbe@wsdot.wa.gov

HOME PHONE

FAX

If an agent is acting for the applicant during the permit process, complete #2. Be sure agent signs Section C (Signature Block) for all permit applications

2. AUTHORIZED AGENT

Daniel Hagglund, WSDOT Environmental Coordinator

MAILING ADDRESS

P.O. Box 33031 Seattle, WA 98133-9710

WORK PHONE

(206) 440-4534

E-MAIL ADDRESS

hagglund@wsdot.wa.gov

HOME PHONE

FAX

(206) 440-4805

3. RELATIONSHIP OF APPLICANT TO PROPERTY: ☒ OWNER ☒ PURCHASER ☐ LESSEE ☐ OTHER:

4. NAME, ADDRESS, AND PHONE NUMBER OF PROPERTY OWNER(S), IF OTHER THAN APPLICANT:

5. LOCATION (STREET ADDRESS, INCLUDING CITY, COUNTY AND ZIP CODE, WHERE PROPOSED ACTIVITY EXISTS OR WILL OCCUR)

The I-5 corridor from SR 526 (milepost 189.3) to East Marine View Drive (milepost 194.8) and Water Quality Site 1 located adjacent to the Snohomish River in the town of Lowell.

LOCAL GOVERNMENT WITH JURISDICTION (CITY OR COUNTY) City of Everett.

WATERBODY YOU ARE WORKING IN: unnamed tributary

IS THIS WATERBODY ON THE 303(d) LIST? YES ☐ NO ☒

IF YES, WHAT PARAMETER(S)?

Website source for 303(d) list: http://www.ecy.wa.gov/programs/wq/links/impaired_wirs.html

1/4 SECTION	SECTION	TOWNSHIP	RANGE	GOVERNMENT LOT
	4, 5, 8, 9, 17, 18, 20, 21, 29, and 32	28N and 29N	5E	

LATITUDE & LONGITUDE: 47.57.05 N 122.11.35 W

TRIBUTARY OF

Snohomish River

WRIA

07

SHORELINE DESIGNATION

Urban Conservancy Recreation

ZONING DESIGNATION

N/A – WSDOT R/W

DNR STREAM TYPE, IF KNOWN

Snohomish River–Type 1 Unnamed tributary–Type 4

TAX PARCEL NO:

N/A – WSDOT R/W

6. DESCRIBE THE CURRENT USE OF THE PROPERTY, AND STRUCTURES EXISTING ON THE PROPERTY. HAVE YOU COMPLETED ANY PORTION OF THE PROPOSED ACTIVITY ON THIS PROPERTY? ☐ YES ☒ NO FOR ANY PORTION OF THE PROPOSED ACTIVITY ALREADY COMPLETED ON THIS PROPERTY, INDICATE MONTH AND YEAR OF COMPLETION.

I-5 is a transportation corridor. Water Quality Site 1 is undeveloped but was formerly the site of the Simpson Mill.

IS THE PROPERTY AGRICULTURAL LAND? ☐ YES ☒ NO

ARE YOU A USDA PROGRAM PARTICIPANT? ☐ YES ☒ NO

7a. DESCRIBE THE PROPOSED WORK THAT NEEDS AQUATIC PERMITS: COMPLETE PLANS AND SPECIFICATIONS SHOULD BE PROVIDED FOR ALL WORK WATERWARD OF THE ORDINARY HIGH WATER MARK OR LINE, INCLUDING TYPES OF EQUIPMENT TO BE USED. IF APPLYING FOR A SHORELINE PERMIT, DESCRIBE ALL WORK WITHIN AND BEYOND 200 FEET OF THE ORDINARY HIGH WATER MARK. IF YOU HAVE PROVIDED ATTACHED MATERIALS TO DESCRIBE YOUR PROJECT, YOU STILL MUST SUMMARIZE THE PROPOSED WORK HERE. ATTACH A SEPARATE SHEET IF ADDITIONAL SPACE IS NEEDED.

All stormwater runoff from I-5 between the project southern limit and Lowell-Larimer Road would be collected and piped northward. The stormwater would be piped downhill along Main Street to Water Quality Site 1 where it would be treated in a constructed stormwater wetland prior to being released into the Snohomish River through a reconstructed stormwater outfall.

The stormwater wetland would be constructed on fill between berms in order to minimize the possibility of exposing potentially contaminated soils at the former mill site. 0.03 acres of emergent wetland would be filled for construction of a stormwater conveyance system across Wetland A at its narrowest point. An additional 0.01 acres would be impacted for construction of an energy dissipator at the reconstructed outfall location near the Snohomish River. No work will be conducted below the Mean Higher High Water Mark of the river. Reconstructing the outfall would consist of replacing an existing 18" culvert with a 54" culvert. This work will be conducted within the OHWM of a small drainage but 1.5 feet above MHHW of the river. Installation is expected to involve minimal disturbance of the riparian corridor and will be conducted during the fish window that will be specified in the HPA.

Two roadside drainage ditches identified as *waters of the US* will be filled and relocated as part of the highway widening.

PREPARATION OF DRAWINGS: SEE SAMPLE DRAWINGS AND GUIDANCE FOR COMPLETING THE DRAWINGS. ONE SET OF ORIGINAL OR GOOD QUALITY REPRODUCIBLE DRAWINGS MUST BE ATTACHED. NOTE: APPLICANTS ARE ENCOURAGED TO SUBMIT PHOTOGRAPHS OF THE PROJECT SITE, BUT THESE DO NOT SUBSTITUTE FOR DRAWINGS. THE CORPS OF ENGINEERS AND COAST GUARD REQUIRE DRAWINGS ON 8-1/2 X 11 INCH SHEETS. LARGER DRAWINGS MAY BE REQUIRED BY OTHER AGENCIES.

7b. DESCRIBE THE PURPOSE OF THE PROPOSED WORK AND WHY YOU WANT OR NEED TO PERFORM IT AT THE SITE. PLEASE EXPLAIN ANY SPECIFIC NEEDS THAT HAVE INFLUENCED THE DESIGN.

The I-5 Everett HOV project would ensure long-term commuter mobility and improve safety. The location for Water Quality Site 1 was selected as the most practical to provide the required size for stormwater treatment while minimizing impacts to aquatic sites and existing and proposed land uses.

7c. DESCRIBE THE POTENTIAL IMPACTS TO CHARACTERISTIC USES OF THE WATER BODY. THESE USES MAY INCLUDE FISH AND AQUATIC LIFE, WATER QUALITY, WATER SUPPLY, RECREATION, and AESTHETICS. IDENTIFY PROPOSED ACTIONS TO AVOID, MINIMIZE, AND MITIGATE DETRIMENTAL IMPACTS, AND PROVIDE PROPER PROTECTION OF FISH AND AQUATIC LIFE. IDENTIFY WHICH GUIDANCE DOCUMENTS YOU HAVE USED. ATTACH A SEPARATE SHEET IF ADDITIONAL SPACE IS NEEDED.

Minor impacts to aquatic species in Wetland A would occur as a result of constructing the conveyance through the wetland. There will be no direct negative impact to stream habitats as a result of the project action since no fish species use the unnamed tributary. No removal of riparian vegetation will occur and implementation of a Temporary Erosion and Sediment Control (TESC) plan will prevent or limit sediment or contaminant delivery to any drainage or wetland during project construction. All road and treatment facility construction will occur above the MHHW elevation of the Snohomish River. Wetland losses will be mitigated by creation of new wetlands per the attached Wetland Mitigation Plan.

7d. FOR IN WATER CONSTRUCTION WORK, WILL YOUR PROJECT BE IN COMPLIANCE WITH THE STATE OF WASHINGTON WATER QUALITY STANDARDS FOR TURBIDITY WAC 173.201A-110? ☒ YES ☐ NO (SEE USEFUL DEFINITIONS AND INSTRUCTIONS)

8. WILL THE PROJECT BE CONSTRUCTED IN STAGES? ☐ YES ☒ NO

PROPOSED STARTING DATE: May 2005

ESTIMATED DURATION OF ACTIVITY: 2005-2007

9. CHECK IF ANY TEMPORARY OR PERMANENT STRUCTURES WILL BE PLACED:

☐ WATERWARD OF THE ORDINARY HIGH WATER MARK OR LINE FOR FRESH OR TIDAL WATERS; AND/OR

☐ WATERWARD OF MEAN HIGHER HIGH WATER LINE IN TIDAL WATERS

10. WILL FILL MATERIAL (ROCK, FILL, BULKHEAD, OR OTHER MATERIAL) BE PLACED:

☒ WATERWARD OF THE ORDINARY HIGH WATER MARK OR LINE FOR FRESH WATERS?

IF YES, VOLUME (CUBIC YARDS) / AREA 0.01 (ACRES)

Approximately 357 square feet (0.01 acres) of direct impacts to an unnamed stream will occur at Water Quality Site 1 for reconstruction of the outfall pipe and placement of an energy dissipator.

☐ WATERWARD OF THE MEAN HIGHER HIGH WATER FOR TIDAL WATERS?

IF YES, VOLUME (CUBIC YARDS) / AREA (ACRES)

11. WILL MATERIAL BE PLACED IN WETLANDS?

☒ YES ☐ NO

Approximately 1,311 square feet (0.03 acres) of direct impacts to Wetland A will occur at Water Quality Site 1 during construction of the proposed stormwater facility. A concrete trough will be placed through the wetland to connect two cells of the proposed stormwater facility, which will impact a 15-foot wide swath through the wetland.

A. IMPACTED AREA IN ACRES: 0.03 acre

B. HAS A DELINEATION BEEN COMPLETED? IF YES, PLEASE SUBMIT WITH APPLICATION.

☒ YES ☐ NO

C. HAS A WETLAND REPORT BEEN PREPARED? IF YES, PLEASE SUBMIT WITH APPLICATION.

☒ YES ☐ NO

D. TYPE AND COMPOSITION OF FILL MATERIAL (E.G., SAND, ETC.): Riprap

E. MATERIAL SOURCE: Provided by the Contractor from an approved source.

F. LIST ALL SOIL SERIES (TYPE OF SOIL) LOCATED AT THE PROJECT SITE, & INDICATE IF THEY ARE ON THE COUNTY'S LIST OF HYDRIC SOILS. SOILS INFORMATION CAN BE OBTAINED FROM THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS):

The NRCS soil survey of Snohomish County identifies an urban land soil type at water quality site 1, which is non-hydric. Soils examined within the upland area where the proposed stormwater facility will occur consist of compacted silty gravels.

G. WILL PROPOSED ACTIVITY CAUSE FLOODING OR DRAINING OF WETLANDS?
IF YES, IMPACTED AREA IS ___ ACRES OF DRAINED WETLANDS.

☐ YES ☒ NO

NOTE: If your project will impact greater than 1/2 of an acre of wetland, submit a mitigation plan to the Corps and Ecology for approval along with the JARPA form

NOTE: a 401 water quality certification will be required from Ecology in addition to an approved mitigation plan if your project impacts wetlands that are: a) greater than 1/2 acre in size, or b) tidal wetlands or wetlands adjacent to tidal water. Please submit the JARPA form and mitigation plan to Ecology for an individual 401 certification if a) or b) applies.

12. STORMWATER COMPLIANCE FOR NATIONWIDE PERMITS ONLY:

THIS PROJECT IS (OR WILL BE) DESIGNED TO MEET ECOLOGY'S MOST CURRENT STORMWATER MANUAL, OR AN ECOLOGY APPROVED LOCAL STORMWATER MANUAL

☒ YES ☐ NO

IF YES - WHICH MANUAL WILL YOUR PROJECT BE DESIGNED TO MEET 2004 Highway Runoff Manual

IF NO - FOR CLEAN WATER ACT SECTION 401 AND 404 PERMITS ONLY - PLEASE SUBMIT TO ECOLOGY FOR APPROVAL, ALONG WITH THIS JARPA APPLICATION, DOCUMENTATION THAT DEMONSTRATES THE STORMWATER RUNOFF FROM YOUR PROJECT OR ACTIVITY WILL COMPLY WITH THE WATER QUALITY STANDARDS, WAC 173.201(A)

13. WILL EXCAVATION OR DREDGING BE REQUIRED IN WATER OR WETLANDS?
IF YES:☐ YES ☒ NO

A. VOLUME: (CUBIC YARDS) / AREA (ACRES)

B. COMPOSITION OF MATERIAL TO BE REMOVED:

C. DISPOSAL SITE FOR EXCAVATED MATERIAL:

D. METHOD OF DREDGING:

14. HAS THE STATE ENVIRONMENTAL POLICY ACT (SEPA) BEEN COMPLETED?

☒ YES ☐ NO

SEPA LEAD AGENCY: WSDOT

SEPA DECISION: DNS, MDNS, EIS, ADOPTION, EXEMPTION

DECISION DATE (END OF COMMENT PERIOD): November 12, 2004

SUBMIT A COPY OF YOUR SEPA DECISION LETTER TO WDFW AS REQUIRED FOR A COMPLETE APPLICATION

15. LIST OTHER APPLICATIONS, APPROVALS, OR CERTIFICATIONS FROM OTHER FEDERAL, STATE OR LOCAL AGENCIES FOR ANY STRUCTURES, CONSTRUCTION, DISCHARGES, OR OTHER ACTIVITIES DESCRIBED IN THE APPLICATION (I.E., PRELIMINARY PLAT APPROVAL, HEALTH DISTRICT APPROVAL, BUILDING PERMIT, SEPA REVIEW, FEDERAL ENERGY REGULATORY COMMISSION LICENSE (FERC), FOREST PRACTICES APPLICATION, ETC.) ALSO INDICATE WHETHER WORK HAS BEEN COMPLETED AND INDICATE ALL EXISTING WORK ON DRAWINGS.

NOTE: FOR USE WITH CORPS NATIONWIDE PERMITS, IDENTIFY WHETHER YOUR PROJECT HAS OR WILL NEED AN NPDES PERMIT FOR DISCHARGING WASTEWATER AND/OR STORMWATER.

TYPE OF APPROVAL	ISSUING AGENCY	IDENTIFICATION NO.	DATE OF APPLICATION	DATE APPROVED	COMPLETED?
NPDES General Construction Permit	Ecology		Pending		
Noise Variance	City of Everett		Pending		

16. HAS ANY AGENCY DENIED APPROVAL FOR THE ACTIVITY YOU'RE APPLYING FOR OR FOR ANY ACTIVITY DIRECTLY RELATED TO THE ACTIVITY DESCRIBED HEREIN? ☐ YES ☒ NO IF YES, EXPLAIN:

SECTION B - Use for Shoreline and Corps Engineers permits only:

17a. TOTAL COST OF PROJECT. THIS MEANS THE FAIR MARKET VALUE OF THE PROJECT, INCLUDING MATERIALS, LABOR, MACHINE RENTALS, ETC.

The preliminary cost estimate for the I-5 Everett HOV project is \$180 million. The cost of Water Quality Site 1 is estimated at \$1.6 million.

17b. IF A PROJECT OR ANY PORTION OF A PROJECT RECEIVES FUNDING FROM A FEDERAL AGENCY, THAT AGENCY IS RESPONSIBLE FOR ESA CONSULTATION. PLEASE INDICATE IF YOU WILL RECEIVE FEDERAL FUNDS AND WHAT FEDERAL AGENCY IS PROVIDING THOSE FUNDS. SEE INSTRUCTIONS FOR INFORMATION ON ESA**

FEDERAL FUNDING ☒ YES ☐ NO IF YES, PLEASE LIST THE FEDERAL AGENCY

Federal Highway Administration

18. LOCAL GOVERNMENT WITH JURISDICTION:

City of Everett

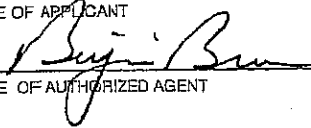
19. FOR CORPS, COAST GUARD, AND DNR PERMITS, PROVIDE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ADJOINING PROPERTY OWNERS, LESSEES, ETC...
PLEASE NOTE: SHORELINE MANAGEMENT COMPLIANCE MAY REQUIRE ADDITIONAL NOTICE — CONSULT YOUR LOCAL GOVERNMENT.

NAME	ADDRESS	PHONE NUMBER
See attached mailing list -		

SECTION C - This section MUST be completed for any permit covered by this application

20. APPLICATION IS HEREBY MADE FOR A PERMIT OR PERMITS TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUCH INFORMATION IS TRUE, COMPLETE, AND ACCURATE. I FURTHER CERTIFY THAT I POSSESS THE AUTHORITY TO UNDERTAKE THE PROPOSED ACTIVITIES. I HEREBY GRANT TO THE AGENCIES TO WHICH THIS APPLICATION IS MADE, THE RIGHT TO ENTER THE ABOVE-DESCRIBED LOCATION TO INSPECT THE PROPOSED, IN-PROGRESS OR COMPLETED WORK. I AGREE TO START WORK ONLY AFTER ALL NECESSARY PERMITS HAVE BEEN RECEIVED.

SIGNATURE OF APPLICANT



DATE

11/30/09

SIGNATURE OF AUTHORIZED AGENT

DATE

DATE

I HEREBY DESIGNATE
TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED,
I MUST SIGN THE PERMIT.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF LANDOWNER (EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR)

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED.

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

COMPLETED BY LOCAL OFFICIAL

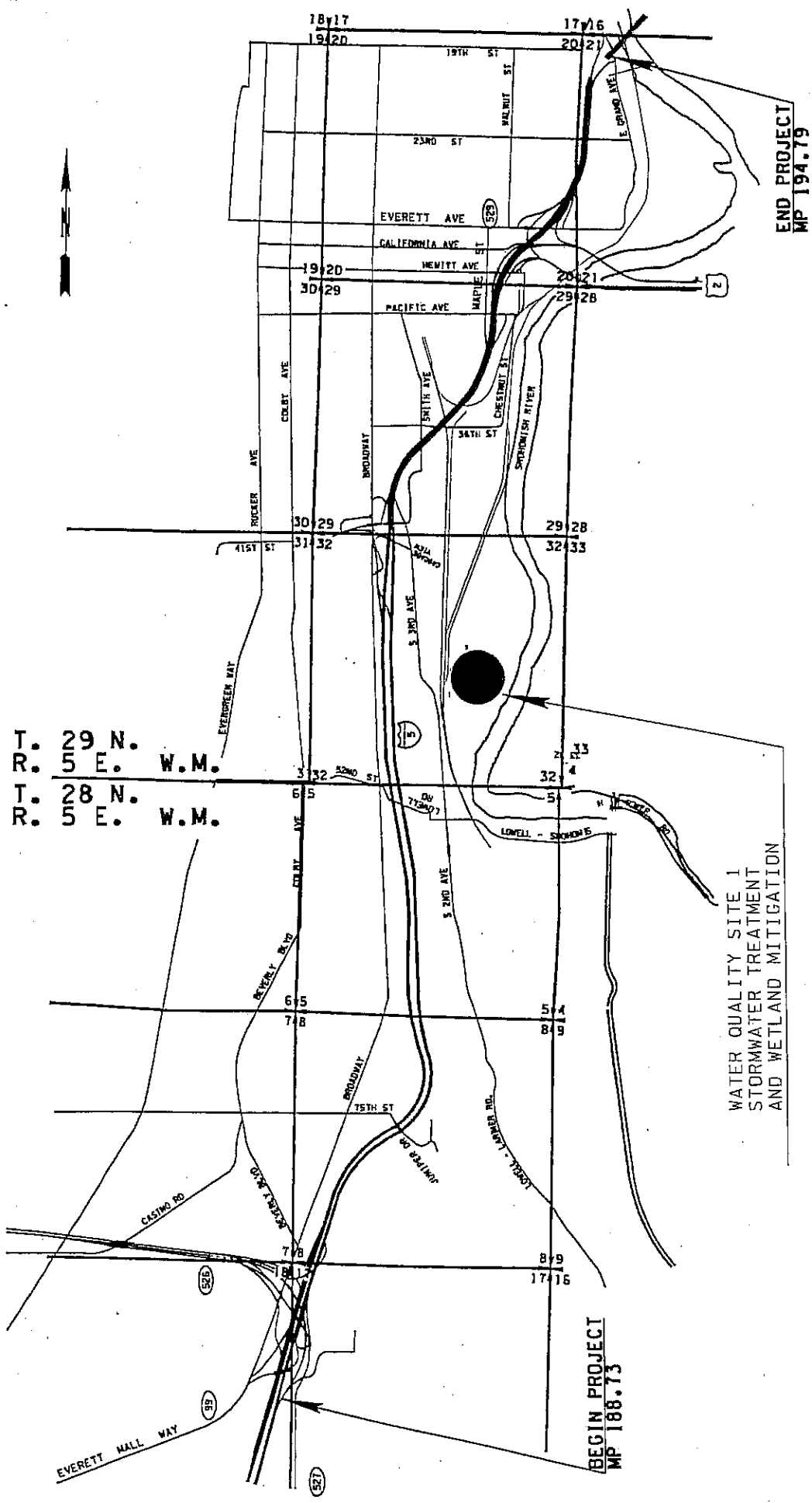
A. Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any)

B. In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view:

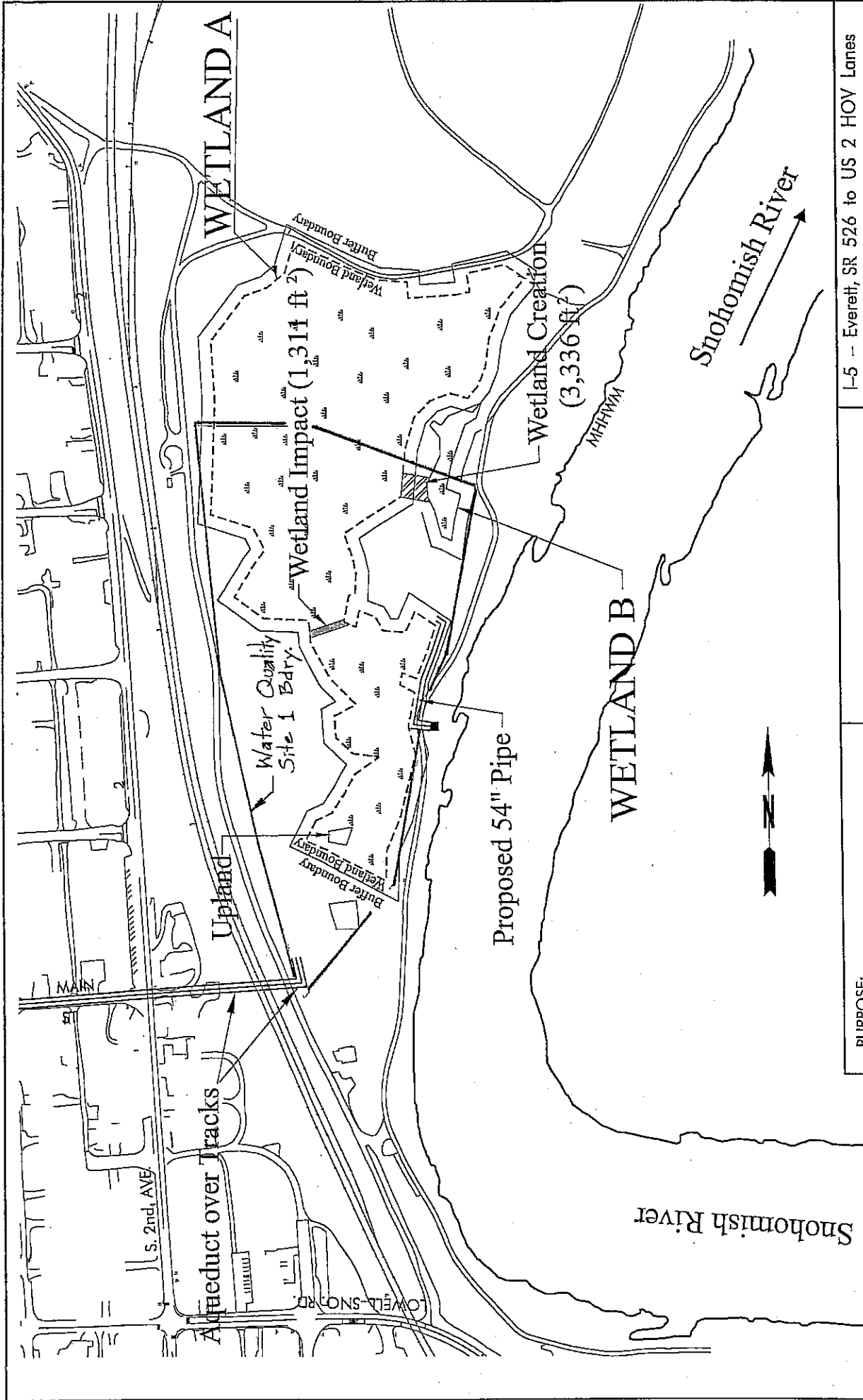
C. If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought:

These Agencies are Equal Opportunity and Affirmative Action employers.
For special accommodation needs, please contact the appropriate agency in the instructions

T. 29 N.
R. 5 E. W.M.
T. 28 N.
R. 5 E. W.M.



<p>PURPOSE: WIDEN ROADWAY TO CONSTRUCT AN HOV LANE IN EACH DIRECTION AND OTHER INTERCHANGE RELATED IMPROVEMENTS TO IMPROVE SAFETY AND TRAFFIC FLOW</p> <p>Datum: NAVD 88 CORPS reference # #####</p>	<p>VICINITY MAP</p> <p>SCALE IN FEET 0 1000 2000</p> <p>BASIN: SNOHOMISH RIVER</p>	<p>I-5 - Everett, SR 526 to US 2 HOV Lanes MP 188.73 TO MP 194.79</p> <p>SECTIONS 5, 8 & 17 TOWNSHIP 28N, RANGE 5E W.M. SECTIONS 20, 29, & 32 TOWNSHIP 29N, RANGE 5E W.M.</p> <p>IN: WETLANDS ADJACENT TO SNOHOMISH RIVER</p> <p>COUNTY OF: SNOHOMISH CITY OF: EVERETT STATE OF: WA APPLICATION BY: WSDOT SHEET 1 OF 9 NOVEMBER 2004</p>
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I-5 - Everett, SR 526 to US 2 HOV Lanes

MP 188.73 TO MP 194.79

SECTIONS 5,8,&17 TOWNSHIP 28N, RANGE 5E W.M.
SECTIONS 20,29,&32 TOWNSHIP 29N, RANGE 5E W.M.

WETLANDS ADJACENT TO SNOHOMISH RIVER

COUNTY OF: SNOHOMISH

CITY OF: EVERETT

APPLICATION BY: WSDOT

STATE OF: WA

SHEET 2 OF 9

BASIN: SNOHOMISH RIVER

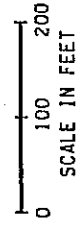
PURPOSE:

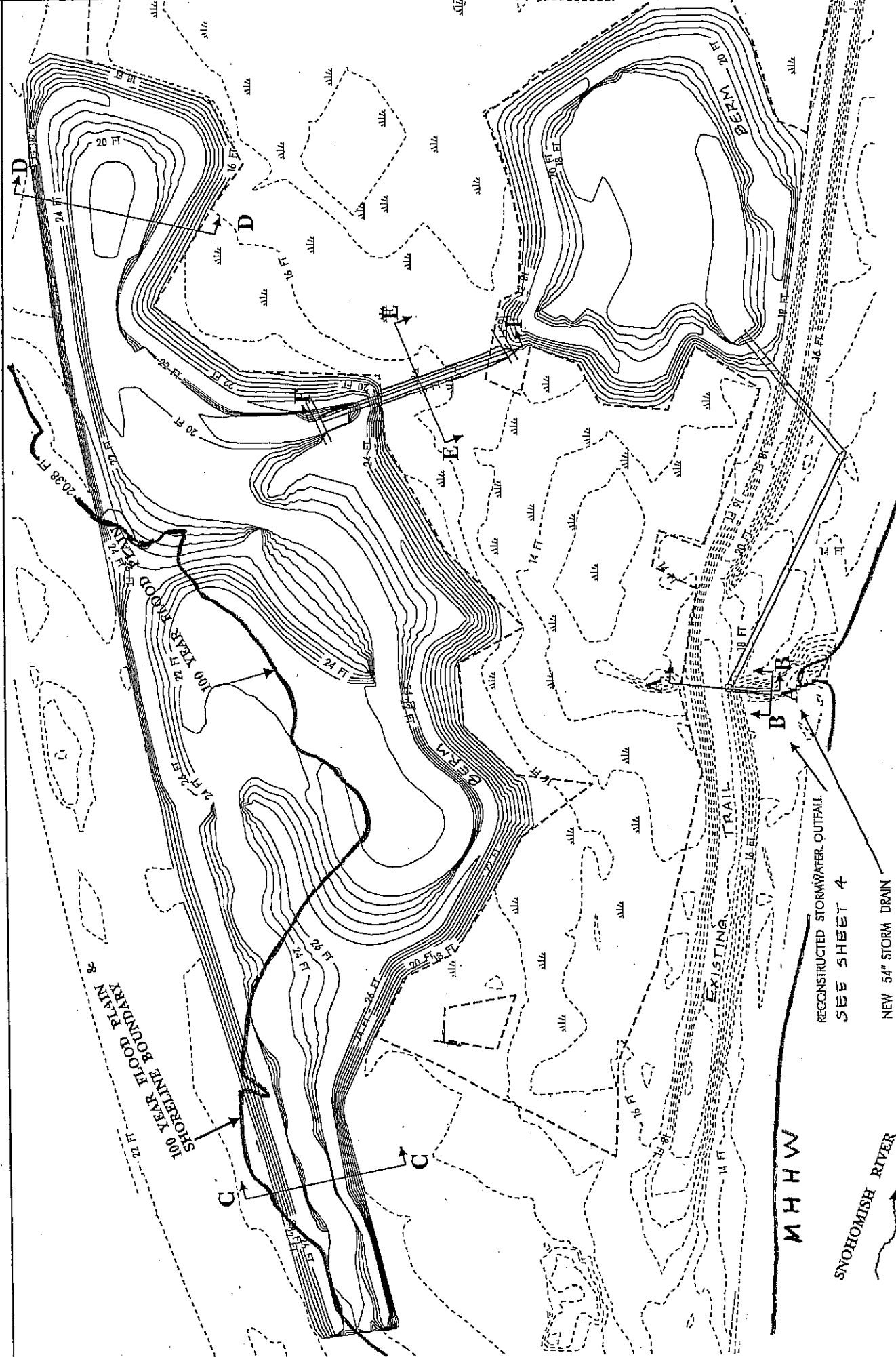
WIDEN ROADWAY TO
CONSTRUCT AN HOV LANE
IN EACH DIRECTION AND OTHER
INTERCHANGE RELATED IMPROVEMENTS
TO IMPROVE SAFETY AND TRAFFIC FLOW

Datum: NAVD 88

CORPS reference # #####

IMPACT MAP

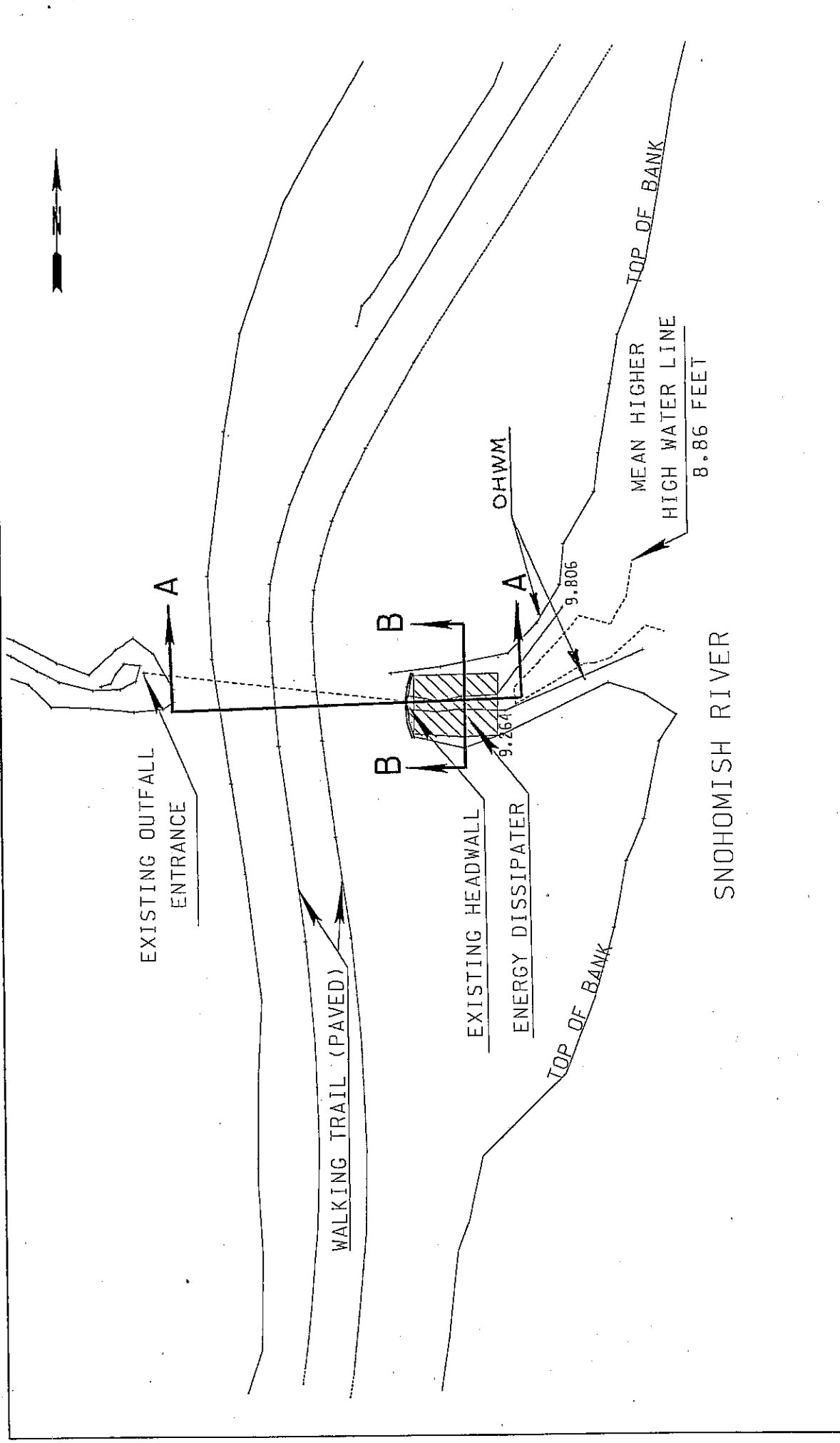




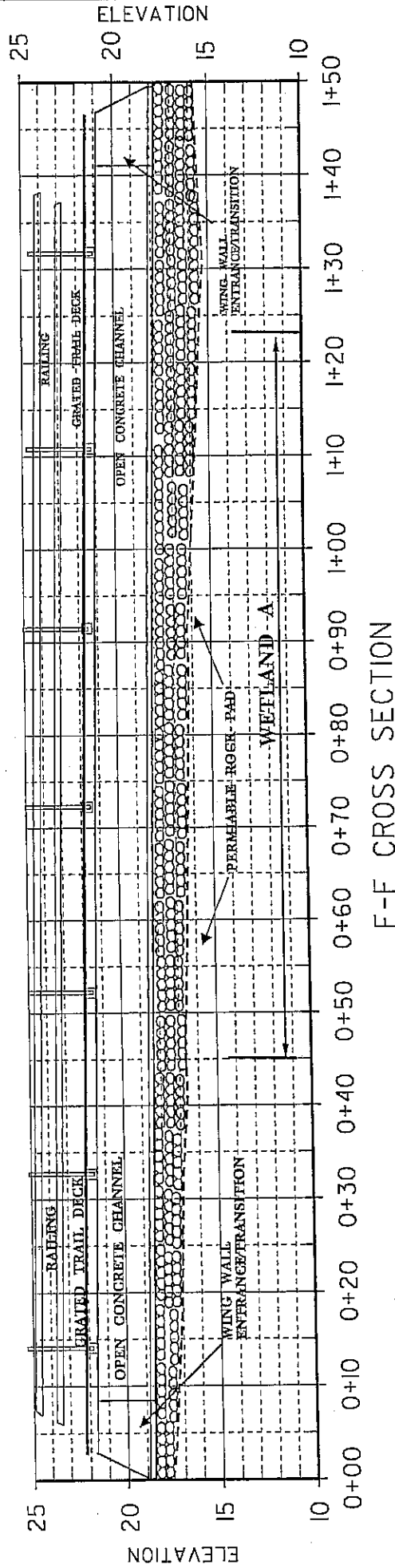
<p>I-5 - Everett, SR 526 to US 2 HOV Lanes MP 188.73 TO MP 194.79 WETLANDS ADJACENT TO SNOHOMISH RIVER</p>	<p>CONCEPTUAL GRADING PLAN</p> <p>BASIN: SNOHOMISH RIVER</p>	<p>0 50 100 SCALE IN FEET</p> <p>CORPS reference # #####</p>
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SHEET 3 OF 9 NOVEMBER 2004

*****DESIGNFILENAME*****



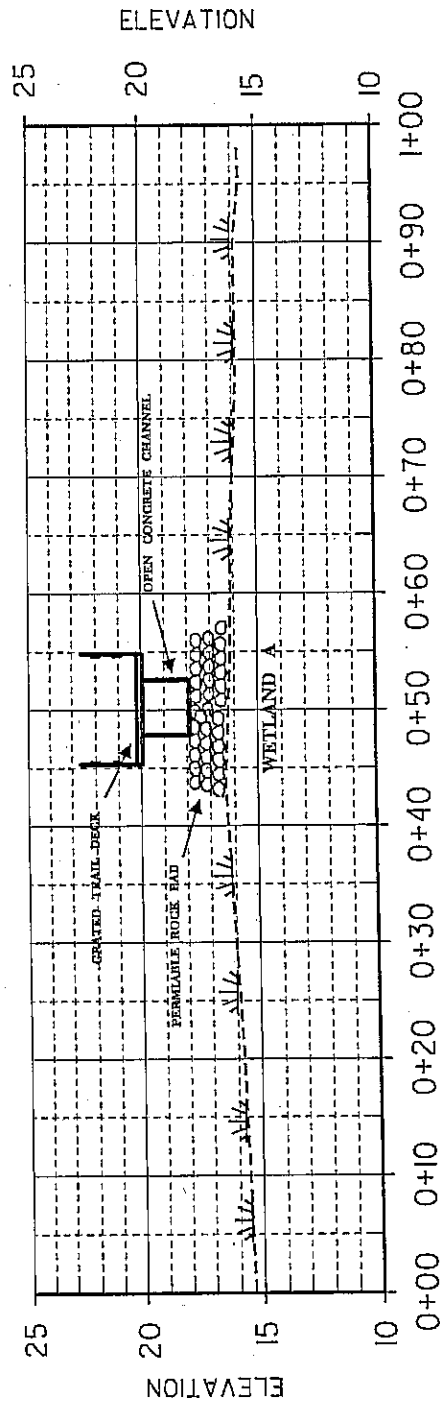
<p>PURPOSE:</p> <p>WIDEN ROADWAY TO CONSTRUCT AN HOV LANE IN EACH DIRECTION AND OTHER INTERCHANGE RELATED IMPROVEMENTS TO IMPROVE SAFETY AND TRAFFIC FLOW</p> <p>CORPS reference # #####</p>	<p>OUTFALL PLAN</p> <p>SCALE IN FEET</p> <p>0 25 50</p> <p>BASIN: SNOHOMISH RIVER</p>	<p>I-5 - Everett, SR 526 to US 2 HOV Lanes MP 188.73 TO MP 194.79</p> <p>SECTIONS 5,8,&17, TOWNSHIP 28N, RANGE 5E W.M. SECTIONS 20,29,&32 TOWNSHIP 29N, RANGE 5E W.M.</p> <p>WETLANDS ADJACENT TO SNOHOMISH RIVER</p> <p>COUNTY OF: SNOHOMISH CITY OF: EVERETT APPLICATION BY: WSDOT STATE OF: WA</p> <p>SHEET 4 OF 9 NOVEMBER 2004</p>
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I-5 - Everett, SR 526 to US 2 HOV Lanes
 MP 188.73 TO MP 194.79
 SECTIONS 5,8,17 TOWNSHIP 28N, RANGE 5E W.M.
 SECTIONS 20,29,32 TOWNSHIP 29N, RANGE 5E W.M.
 WETLANDS ADJACENT TO SNOHOMISH RIVER
 COUNTY OF: SNOHOMISH CITY OF: EVERETT
 APPLICATION BY: WSDOT STATE OF: WA
 SHEET 5 OF 9 NOVEMBER 2004

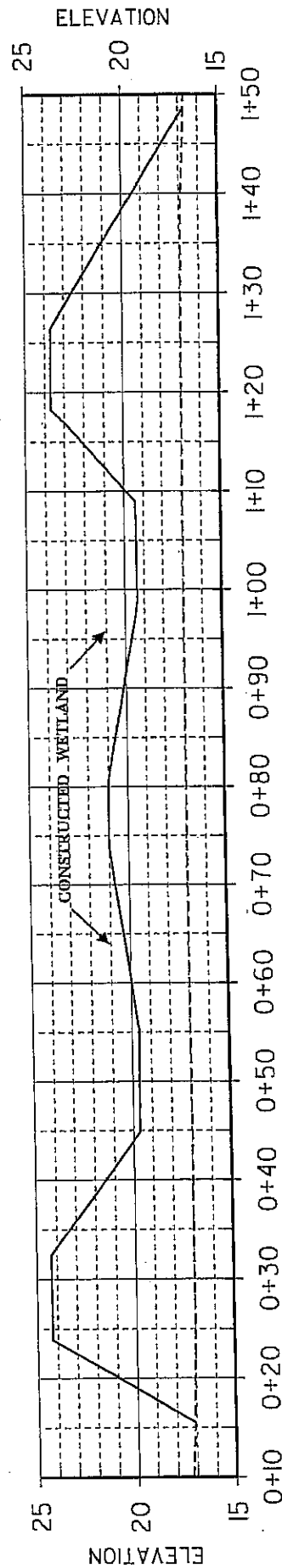
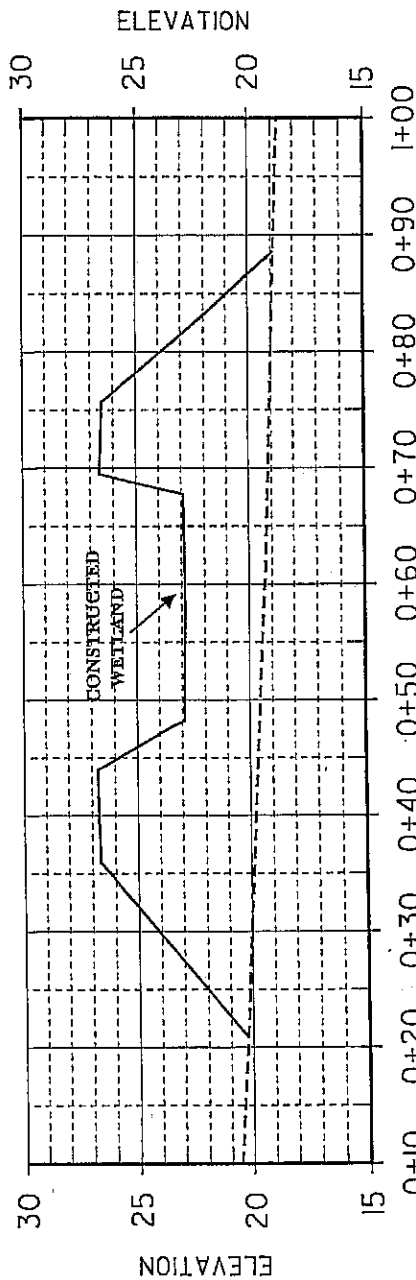
CROSS SECTION
 BASIN: SNOHOMISH RIVER

PURPOSE:
 WIDEN ROADWAY TO
 CONSTRUCT AN HOV LANE
 IN EACH DIRECTION AND OTHER
 INTERCHANGE RELATED IMPROVEMENTS
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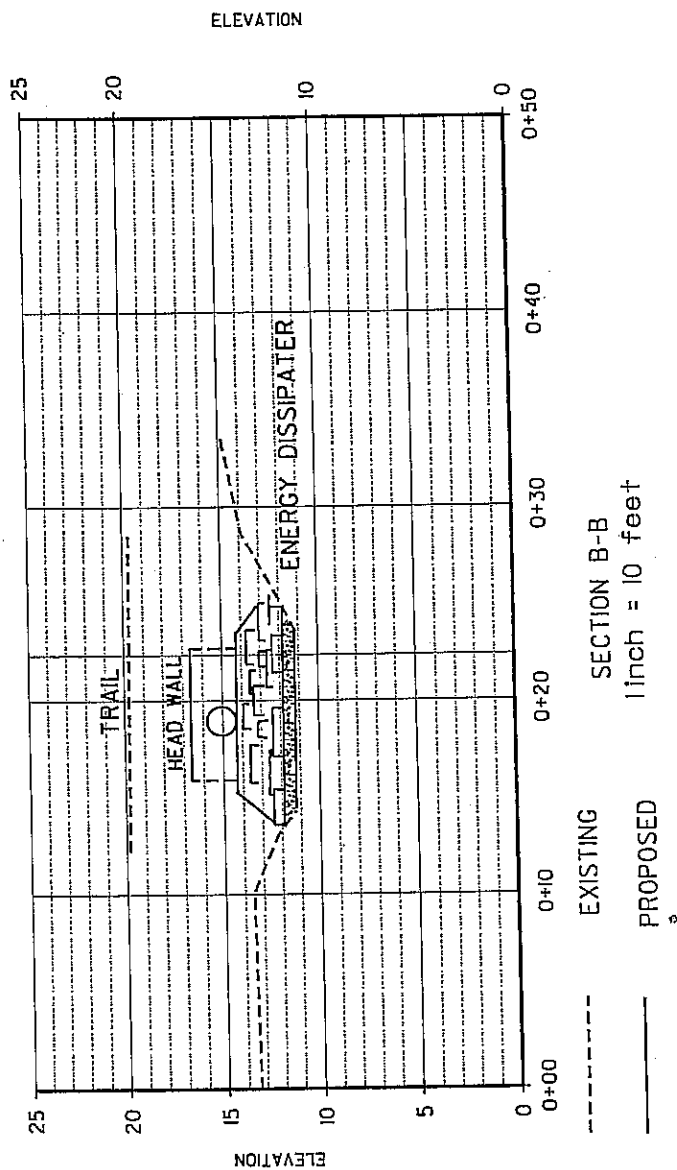


E-E CROSS SECTION

<p>PURPOSE:</p> <p>WIDEN ROADWAY TO CONSTRUCT AN HOV LANE IN EACH DIRECTION AND OTHER INTERCHANGE RELATED IMPROVEMENTS TO IMPROVE SAFETY AND TRAFFIC FLOW</p> <p>CORPS reference # #####</p>	<p>CROSS SECTION</p> <p>BASIN: SNOHOMISH RIVER</p>	<p>I-5 - Everett, SR 526 to US 2 HOV Lanes MP 188.73 TO MP 194.79</p> <p>SECTIONS 5,8,17, TOWNSHIP 28N, RANGE 5E W.M. SECTIONS 20,29,332 TOWNSHIP 29N, RANGE 5E W.M.</p> <p>WETLANDS ADJACENT TO SNOHOMISH RIVER</p> <p>COUNTY OF: SNOHOMISH CITY OF: EVERETT APPLICATION BY: WSDOT STATE OF: WA SHEET 6 OF 9 NOVEMBER 2004</p>
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<p>PURPOSE: WIDEN ROADWAY TO CONSTRUCT AN HOV LANE IN EACH DIRECTION AND OTHER INTERCHANGE RELATED IMPROVEMENTS TO IMPROVE SAFETY AND TRAFFIC FLOW</p> <p>CORPS reference # #####</p>	<p>CROSS SECTION</p> <p>BASIN: SNOHOMISH RIVER</p>	<p>I-5 - Everett, SR 526 to US 2 HOV Lanes MP 188.73 TO MP 194.79</p> <p>SECTIONS 5, 8, 17, TOWNSHIP 28N, RANGE 5E W.M. SECTIONS 20, 29, 32 TOWNSHIP 29N, RANGE 5E W.M.</p> <p>WETLANDS ADJACENT TO SNOHOMISH RIVER</p> <p>COUNTY OF: SNOHOMISH CITY OF: EVERETT STATE OF: WA APPLICATION BY: WSDOT SHEET 7 OF 9 NOVEMBER 2004</p>
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PURPOSE:
WIDEN ROADWAY TO
CONSTRUCT AN HOV LANE
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INTERCHANGE RELATED IMPROVEMENTS
TO IMPROVE SAFETY AND TRAFFIC FLOW

CORPS reference # #####

CROSS SECTION

BASIN: SNOHOMISH RIVER

I-5 - Everett, SR 526 to US 2 HOV Lanes
MP 188.73 TO MP 194.79

SECTIONS 5,8,817, TOWNSHIP 28N, RANGE 5E W.1.
SECTIONS 20,29,32 TOWNSHIP 29N, RANGE 5E W.1.

WETLANDS ADJACENT TO SNOHOMISH RIVER

COUNTY OF: SNOHOMISH CITY OF: EVERETT
APPLICATION BY: WSDOT STATE OF: WA
SHEET 9 OF 9 NOVEMBER 2004



Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710

206-440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 30, 2004

Multi-Agency Permitting Team
c/o Jason Smith, WSDOT Project Delivery Manager
3190-160th Avenue SE.
Bellevue, WA. 98008

Re: I-5, Everett HOV - Responses to MAP Team Early Project Coordination Letter

Jason:

Outlined below are WSDOT's responses to the comments and questions in the MAP Team's August 11, 2004, Early Project Coordination letter. Please note that because this is a Design-Build project, not all of the agency comments or concerns have been addressed directly in the JARPA or plans. Instead, WSDOT's Request for Proposals (RFP) has incorporated language that requires the selected Design-Builder to conform to certain requirements or constraints. Our intent is to issue an Addendum to the RFP when all permits have been obtained. The Addendum would contain all the provisions from each of the permits and approvals for which WSDOT is the applicant.

Washington State Department of Fish and Wildlife (WDFW) –

Fish use and habitat and HPA mitigation:

1. *This project does not appear to directly include any fish-bearing streams. It is our understanding that stormwater from the south project section will be collected and piped to a non-fish use stormwater treatment and constructed wetland area adjacent to the lower Snohomish River. The lower Snohomish River at the project site is low gradient and 250-350 feet wide. Salmonid fish use includes transporting and rearing juvenile and adult chinook, coho, chum, and pink salmon; steelhead, rainbow, and sea-run cutthroat trout; and Dolly Vardon and bull trout char.*

Comments noted.

2. *At this site an existing stormwater outfall and short open degraded channel to the Snohomish River will be improved with a new outfall pipe and rock-armored open channel to dissipate stormwater outfall energy. Since the Snohomish River is tidally influenced at this location, the ordinary high water line (OHWL) may be considered to be the top of the river bank, will include most of the open channel, and may include the stormwater outfall pipe. The OHWL is higher than mean higher high water (MHHW) because MHHW is the average of the daily high tide line over a number of years, which includes a lower high tide line and a higher high tide line. WSDOT may present information for the site OHWL, but without this information the default jurisdiction for a Hydraulic Project Approval (HPA) for this work shall be the top of the bank. Required HPA mitigation will include dry stormwater flow work timing to prevent downstream sedimentation, a continual slope to the river in the open channel to prevent fish stranding during fluctuating water levels, and prevent fish entry into the pipe and constructed wetland to prevent fish stranding.*

Comments noted. As these are standard requirements for hydraulic projects, we expect the selected Design-Builder to present a design and perform the construction in accordance with these requirements.

Specific comments:

3. *Verify hydrology and hydraulics of both stormwater and natural systems. Outfall from stormwater ponds or constructed wetlands will likely require a flap-gate. WSDOT will need to verify and determine volumes, flows, areas, and functionality for all possible flow regimes (e.g. at a high stormwater flow during a high-river stage scenario, etc).*

The stormwater facility will be constructed on fill and the top of the berms surrounding the site will be at least one foot above the 100-year flood elevation. Language has been incorporated into the RFP that requires the Design-Builder to determine whether a flap gate is necessary.

4. *If fish screens are used at the stormwater outfall(s), they shall meet RCW and WAC criteria. See: <http://www.wdfw.wa.gov/hab/engineer/habeng.htm>. It may prove difficult to provide fish-screen function and adequate maintenance (cleaning) for flows, which will move in both directions (high river stage- into pond, and stormwater discharge – out of pond).*

Language has been incorporated into the RFP that requires the Design-Builder to address the need for a fish screen as the specific design is developed.

5. *Verify the hydrology of perched constructed treatment wetland for effectiveness and appropriateness (e.g. wetland plant survival).*

The Design-Builder will be required to account for these issues in the specific design of the facility.

6. *Verify extent of contaminates, cleanup standards, and acceptable future uses of this area based on post-closure documents and possible covenants. In some cases new, unplanned-for exposure pathways may be established (e.g., if different land uses other than what was previously assumed to occur at the site).*

The Simpson Mill is the only historic land use identified at the proposed stormwater site. WSDOT is confident that sufficient investigations have been performed to identify potential contamination sources, however the RPF does include provisions for unanticipated discoveries.

7. *WDFW recommends that WSDOT contact the levee owner to determine possible work and design requirements (e.g. excavation, fill, compaction, or other design options) for the levee.*

The city of Everett is the owner of the levee. The only work associated with the existing levee is constructing the 54" storm drain through the levee. We have coordinated with the City to allow this work.

US Army Corps of Engineers (Corps) –

8. *It appears the project might be covered by a Nationwide Permit #14 for Linear Transportation Projects. Nationwide Permit 14 authorizes "activities required for the construction, expansion, modification or improvement of linear transportation crossings" provided that the permanent and temporary impacts to waters of the US total less than 1/2 acre. You will need to present the justification for the stormwater treatment in this location being "required" for the expansion of I-5 that is proposed.*

Comment noted. WSDOT's Pre Construction Notification is for Nationwide Permit #18.

9. *There may be fills to roadside drainage ditches dug in uplands that would be considered impacts to jurisdictional areas under the "Talent" decision. These areas would need to be identified, described, and included in the impact calculations. While it didn't appear that there would be a lot of ditches*

along I-5 that might be considered jurisdictional, there probably are a few. Please refer to the interim process agreed upon by the Corps and WSDOT for direction on this issue.

The PCN includes a "Talent Package". A preliminary jurisdictional determination was performed on September 9, 2004. The amount of impact based on that determination is about 0.01 acres.

10. *As discussed in the field, impacts would also include the placement of energy dissipating rock or other materials at the outfall from the wetland to the Snohomish River. While this material may be above the Ordinary High Water Mark of the Snohomish River, it would still be within a water of the US, as the channel that has formed between the wetland and the river is itself a jurisdictional area.*

Comment noted. WSDOT agrees that the channel is a water of the US and has included this area in the total impacts for the project.

11. *The application should be sure to include all temporary impacts as well as a discussion of indirect impacts. Indirect impacts might include things like the unfilled portion of wetlands that are mostly filled. Identifying temporary impacts will be especially important for a design-build project as things like temporary access points or staging areas may not be well defined at the time of permitting. We will need to work together to find ways to deal with these potential impacts.*

No temporary or indirect wetland impacts are anticipated. The single crossing of Wetland A will be constructed on a "Leaky Berm" which would maintain a hydrologic connection between the two lobes of the wetland. There are no other locations where any wetlands or streams should be impacted for temporary access or staging of equipment or materials.

12. *Since the proposed stormwater treatment facility design is highly dependent on the precise location of the existing wetland, we will likely want to confirm the delineation in the field with the Corps' Environmental Analyst.*

The Corps of Engineers confirmed the delineations on September 9, 2004.

13. *The Corps will also be concerned about how the design will maintain the existing wetland hydrology. If large amounts of stormwater are directed to this location and overflow from large events is allowed to overflow into the existing wetland, we will want to see an analysis of how this may or may not impact the existing wetland hydrology and functions.*

The hydrology of Wetlands A and B is primarily derived from precipitation. The design of the site is such that no flows would enter nearby wetlands or uplands.

14. *Concerns raised at the July 8, 2004 meeting with WSDOT and the Corps regarding the proposed conceptual design for the stormwater treatment facility are not included in this letter. We recommend that you also refer to any notes you may have taken at that meeting. If you have any questions about issues that were raised at that time, please feel free to contact Kate Stenberg.*

These comments related to the type of Corps authorization and the content of the mitigation plan. The mitigation plan incorporates a vegetation performance measure that non-native species coverage will not exceed 15%, as requested at the meeting.

15. *It is important that the drawings be clear, readable, and tell the story of the project and its impacts to aquatic resources. The Corps recommends reviewing the drawing guidelines before preparing drawings*

for the application. Kate Stenberg, Corps Project Manager, has also indicated that she would be willing to meet with WSDOT staff to review materials before submittal of your application.

Comments noted.

16. In addition, please provide documentation of ESA, EFH, and Section 106 compliance.

These documents are included as attachments to the JARPA.

Washington State Department of Ecology –

Stormwater and Water Quality:

17. It is unclear at this time under which Corps permit the project will qualify. The Corps indicates in this letter that Nationwide Permit (NWP) 14 may apply, but this will not be confirmed until later in the permit process. If the project is determined by the Corps to qualify under NWP 14, an Individual 401 Certification would be needed from Ecology. This requirement is triggered under NWP 14 for fill-related impacts to tidal waters or non-tidal wetlands adjacent to tidal waters. The impact wetland definitely fits the latter description, and may fit the former depending on the effects of the existing breach in the levee. In this event, Ecology would not issue a public notice until the NWP 14 is authorized by the Corps, thus making it likely that the permit process for Ecology will be lengthier if an Individual 401 Certification is required. Please take this into account in your application process.

The Corps of Engineers determined that Wetlands A and B are not tidal wetlands.

18. The proposed location for the stormwater treatment wetland is located adjacent to the Snohomish River and is currently designed to discharge to the river through an existing outfall. The Snohomish river is a 303(d) listed waterbody and, based on the information provided to Ecology at the June 30th meeting and follow up site visit on July 12th, it appears that the outfall location is located upstream of a segment of the Snohomish river that is listed for the following parameters:

Rec	Listing ID	Name	Parameter	Medium	Listed in 98	Listed in 96	Waterbody ID	Lower Address	Upper Address
1	7407		Temperature	Water	Y	N	YS20QN	0	1.356
2	23850		Hexachlorobenzene	Sediment	N	N	YS20QN	0	1.356
3	23820		1,2,4-Trichlorobenzene	Sediment	N	N	YS20QN	0	1.356

WSDOT will need to provide information showing that the construction of the stormwater treatment wetland and the operation of this facility will not contribute to further sediment contamination in the Snohomish River. Because the treatment facility is proposed for a site at which soil clean-up activities have occurred, it is recommended that WSDOT research any records pertaining to clean up activities and conduct analyses to determine if any of the listed parameters are found in soils on the site. Include analysis for hexachlorobenzene and 1, 2, 4 trichlorobenzene for the soil testing on the stormwater treatment pond location. Submit the results of soil contamination analysis on the site to Ecology as soon as possible. Also provide a map of the wetland mitigation and stormwater treatment facilities overlaid with historic industrial land uses in the same area.

A copy of recent soil sampling results from the site is enclosed. Neither hexachlorobenzene nor 1, 2, 4 trichlorobenzene were detected in any of the samples.

19. *If WSDOT finds significant sediment contamination on the stormwater treatment wetland site, then Ecology will require that there be no discharge of sediment from the site during construction and from the permanent facilities. The treatment wetland would therefore need to be built on top of the existing soils (i.e., an elevated wetland), as WSDOT described at our Early Project Coordination meeting. Other requirements would include lining the stormwater treatment wetland to isolate it from the underlying contaminated soils and from shallow groundwater, and providing reasonable assurance that there will be sufficient water to support the wetland plants that will be providing water quality treatment.*

The original sampling and WSDOT's follow-up sampling did not identify significant contamination at or near the surface of the site. However, in order to minimize the potential for exposure we are proceeding with a design concept that constructs the stormwater site exclusively on fill. The RFP contains language that requires the Design-Builder to perform soil testing in areas where some excavation will or may be needed. These may include foundations for the aqueduct over the railroad, the 54" storm drain, and the wetland creation area.

20. *The proposal to construct a stormwater treatment wetland for the purpose of managing stormwater is a method that is approved under the 2004 Highway Runoff Manual and the Ecology 2001 Stormwater Manual. The Ecology manual has a performance standard that requires monitoring for wetland vegetation survival for three years after the project. WSDOT should include this requirement as a condition in the RFP documents to assure reliable runoff treatment. Wetland plant establishment is necessary for the wetland treatment system to function as designed. Ecology recommends incorporating the following requirement in the RFP in relation to the wetland treatment system:*

"Wetlands should be inspected at least twice per year during the first three years during both growing and non-growing seasons to observe plant species presence, abundance, and condition; bottom contours and water depths relative to plans; and sediment, outlet, and buffer conditions."

WSDOT should describe in the application any deviations from the standard design in the HRM for the stormwater treatment wetland.

The RFP incorporates language requiring that planting areas throughout the project have weeds and invasive plant species controlled through the life of the project. The treatment wetland must meet the requirements of the Standard of Success for the 5-year period as described in the Wetland Mitigation Plan.

21. *Treatment wetlands must function essentially as natural wetlands in terms of removing pollutants from the water flowing through them. As such, Ecology advises that WSDOT direct the contractor to include wetland biologists on the team that will be designing the treatment wetland, as well as engineers and hydrologists.*

The Design-Builder has the option of using a landscape architect, wetland scientist, or a biologist in developing the specific design of the facility.

Wetlands:

22. *Ecology applauds WSDOT's efforts in avoiding and minimizing wetland impacts for this project. Proposed wetland impacts are quite small relative to the size of the project and the extent of wetland in the area.*

Comment noted.

23. *Please confirm that excavation in existing soils at the wetland mitigation site will not expose contaminated soils or degrade water quality in the wetland. Wetland mitigation should not result in attracting wildlife to toxic waters/soils. WSDOT will need to provide soil sampling data for the mitigation areas, as well as at the site of the constructed treatment wetland.*

As noted in Response 19, follow-up sampling did not identify significant contamination at or near the surface of the site. Although no samples were collected within the small area proposed for wetland creation, we have no reason to expect substantial deviation from the sampling results.

24. *If contaminants are found in the underlying soils, stormwater in the treatment wetland should be kept separate from water in the existing wetland except right at the outfall to the river – there should be no other surface or groundwater exchange. In addition to including an impervious lining in the treatment wetland, please confirm that the overflow outlet from the treatment wetland will discharge to the river outfall and not to the existing wetland.*

Comment noted. The current design concept maintains hydrologic separation between the constructed wetland and the existing soils.

25. *Ecology agrees with WSDOT's proposal to pipe stormwater from the constructed wetland, once it has received adequate treatment, directly to the outfall pipe so as to minimize impacts to the existing jurisdictional wetland at the site.*

Comment noted.

26. *The existing wetland could potentially be impacted during construction of the treatment wetland through release of turbid water, through exposure of toxic sediments, or disturbance of vegetation for machine access. The construction will be particularly problematic if undertaken during the wet season. Please provide information as to how these potential impacts will be avoided or minimized. If soils are contaminated, Ecology may require water quality monitoring during construction of the treatment wetland.*

As noted in Response 19, follow-up sampling did not identify significant contamination at or near the surface of the site. Disturbance of existing soils is expected to be minimal. The RFP requires the Design-Builder to develop a Temporary Erosion and Sediment Control Plan prior to starting any work on the project.

27. *Assuming a uniform elevation for the top of the berms that would be constructed to enclose the treatment wetland, it would seem that berm width would vary depending on the existing elevation of the ground. This should be taken into account in calculating total wetland fill. The document we received summarizing wetland characteristics notes that low berms will be used to avoid filling wetlands, yet the design team stated that the top of the berms would be above the 100-year flood elevation. Are both statements accurate? How high are the berms expected to be? Has WSDOT taken into account varying berm width in calculating total wetland fill?*

The bottom width of the berm would vary since the top elevation would be uniform or slightly sloping to the north and be at least one foot above the 100-year floodplain elevation. The berms would be set back from the wetland edge except in the immediate vicinity of the wetland crossing in Wetland A. Because of the undulating topography, the berm would vary in height from 4 feet to about 8 feet. The berms themselves are not expected to displace any of the wetlands.

28. *Provide information on hydrology for the mitigation creation areas that demonstrates adequate hydrology to support the proposed vegetation during drier periods. Will buffer and/or wetland plantings require temporary irrigation to get established? If so, provide an irrigation plan.*

The proposed wetland creation area is between Wetland A and B, as shown on the site plans. No specific hydrological monitoring has been performed but since the mitigation consists of connecting two existing wetlands by lowering the ground elevation, we are confident that the created wetland will share the same hydrology as the existing wetlands.

29. *Please provide information on temporary wetland impacts and proposed plans for restoring them. Are there any stormwater conveyance pipes that will cross through existing wetlands?*

There are no anticipated temporary wetland impacts. The only wetland crossing is the conveyance system to cross Wetland A which is addressed as a permanent impact. This crossing may be used for construction equipment access between the west cell and the east cell, wetland creation area, storm sewer line, and outfall site.

30. *Provide documentation on the potential effects (positive and negative) to the hydroperiod and vegetation of affected wetlands in the project area due to intercepting and diverting existing highway runoff to the proposed treatment facilities. Indicate which wetlands will benefit from the diversion of highway runoff that currently flows to them, and which, if any, will be degraded by the reduction in stormwater. If any wetlands are expected to be reduced in size, this effect should be estimated and included in the overall wetland impact acreage.*

As noted in the Wetland/Biology Report (page 6-7) the diversion of highway runoff from its current patterns has the potential to affect existing wetlands. This would be a concern primarily in the Lowell Slide area, however these slope wetlands are primarily fed by groundwater; not highway runoff. A very limited amount of stormwater runoff sheet flows from the highway in this area. The highway drainage is currently conveyed down the hillside in numerous piping systems which outfall to low or no-gradient drainage canals in the Snohomish River floodplain. There does not seem to be a reasonable likelihood that any wetlands would be negatively affected from the diversion of highway stormwater.

If you have any questions regarding these responses, please let me know.

Sincerely,



Daniel E. Haggund
Environmental Coordinator

DEH:deh
enclosures

cc: Roland Benito, Project Engineer
Project File